

**CONSENT ITEMS**

**Agenda Item 19.**

**June 4, 2003**

**Project K.**

**SANTA MONICA BAY RESTORATION PROJECT:  
MALIBU CREEK STEELHEAD BARRIER REMOVAL**

COASTAL CONSERVANCY

Staff Recommendation

June 4, 2003

**SANTA MONICA BAY RESTORATION PROJECT:  
MALIBU CREEK STEELHEAD BARRIER REMOVAL**

File No. 00-117

Project Manager: Marc Beyeler

**RECOMMENDED ACTION:** Authorize the disbursement of up to \$400,000 to the Malibu Coastal Land Conservancy to complete the Malibu Creek Steelhead Barrier Removal Project, to implement the Santa Monica Bay Restoration Plan, approved by the Conservancy on August 2, 2001.

**LOCATION:** Santa Monica Bay & Malibu Creek sub-watershed, L.A. County (Exhibit 1)

**PROGRAM CATEGORY:** Resource Enhancement

**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31251-31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to the Malibu Coastal Land Conservancy to complete the Malibu Creek Steelhead Barrier Removal Project (“Project”), to implement the Santa Monica Bay Restoration Plan, approved by the Conservancy on August 2, 2000, as more specifically described in the accompanying staff recommendation. This authorization is subject to the condition that prior to disbursement of funds, the Malibu Coastal Land Conservancy shall submit for review and written approval of the Executive Officer of the Conservancy a final work program, schedule and budget for the Project; the names and qualifications of all contractors to be employed for the Project; evidence of all necessary permits and approvals for the Project; and a program for the installation of sign(s).”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the guidelines and criteria set forth under Chapter 6 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.
  2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
  3. The proposed project has been identified in the respective Local Coastal Plan as requiring action to resolve existing or potential resource protection problems, consistent with Public Resources Code Section 31252.
  4. The Conservancy has reviewed the Mitigated Negative Declaration adopted by the City of Malibu and the corresponding Mitigation Monitoring Program, attached collectively as Exhibit 4 to the accompanying staff recommendation, and finds that, as mitigated, there is no evidence that the proposed project may have a significant effect on the environment.
  5. The Malibu Coastal Land Conservancy is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”
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#### **PROJECT SUMMARY:**

Authorize funding for the Malibu Creek Steelhead Barrier Removal Project to implement the Santa Monica Bay Restoration Plan (Bay Plan) (Exhibit 2). The at-grade (“Arizona”) road crossing is the only steelhead trout migration barrier on Lower Malibu Creek. The current crossing will be removed and a bridge installed in its place in order to allow stream-flow and steelhead trout to pass freely under the bridge. The project will open up approximately 2.1 miles of spawning and rearing habitat within Malibu Creek State Park.

Fixing fish passage at Cross Creek Road was specifically identified in the January 2001 assessment document *Making Progress: Restoration of the Malibu Creek Watershed*.

The Bay Plan includes over 250 actions, the goals of which include: (1) reducing pollutant loadings to and prevent degradation of the waters of Santa Monica Bay; (2) reducing human health risks associated with swimming in or harvesting seafood from the Bay; and (3) restoring, rehabilitating, and protecting the marine ecosystem, living resources, and biodiversity of the Bay and its watersheds. Specifically, the Bay Plan has identified the protection, restoration, and creation of wetlands within the Bay as a major goal of the project.

Proposition 12 requires the Bay Watershed Council, the stakeholder board of the Restoration Project, to determine project eligibility and grant priorities. Working with Conservancy staff, the Santa Monica Bay Restoration Project staff has solicited project proposals that would achieve the goals of the Bay Restoration Plan and address its water quality and natural resource protection objectives (Exhibit 3). Accordingly, the Bay Restoration Project staff has recommended the Malibu Creek Steelhead Barrier Removal Project to the Conservancy for funding.

**Site Description:** The Santa Monica Bay watershed encompasses approximately 400 square miles subdivided into separate sub-watershed drainages. The Santa Monica Bay

watershed is divided into two major topographic areas: the Los Angeles coastal plain and the Santa Monica Mountains. The Santa Monica Bay watershed is one of the nation's most highly urbanized regions.

The 110-square-mile Malibu Creek watershed is the largest in the Santa Monica Mountains and the southernmost stream where steelhead trout is federally listed as an endangered species. Malibu Creek is considered one of the top five watersheds for steelhead trout recovery in southern California.

Bordered on the north by the Santa Monica Mountains divide, on the east by Griffith Park, on the south by Point Fermin, and on the west by the eastern portion of Ventura County, the watershed encompasses residential areas, commercial and industrial areas, and undeveloped open space lands, primarily within the Santa Monica Mountains. There are 28 separate drainage basins within the Santa Monica Bay watershed. The two largest include the Malibu Creek watershed.

**Project History:** In recognition of the need to protect Santa Monica Bay and its sub-watersheds, in May 1988 the State of California and the U.S. Environmental Protection Agency (US EPA) nominated and included Santa Monica Bay in the National Estuary Program (NEP). Established under the Water Quality Act of 1987 and managed by the US EPA, the NEP includes more than two dozen significant estuaries and coastal water bodies nationwide.

As part of the NEP, the Santa Monica Bay Restoration Project (SMBRP) is charged with assessing the Bay's pollution problems, and with producing the Bay Restoration Plan to serve as the blueprint for the Bay's long-term recovery. In 1995, the Santa Monica Bay Restoration Plan was approved by the State of California and the US EPA. The Bay Plan includes 250 actions, including specific actions focused on habitat conservation, enhancement and restoration, pollution prevention and treatment control, and assessment, education, and monitoring.

The Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12) earmarked \$25,000,000 to the Coastal Conservancy for restoration of Santa Monica Bay in accordance with the goals and priorities of the Bay Plan. Proposition 12 requires the Santa Monica Bay Watershed Council, the stakeholder board of the Restoration Project, to determine project eligibility and grant priorities.

#### **PROJECT FINANCING:**

Proposition 12-Santa Monica Bay	\$400,000
Other Matching Funds	<u>150,000</u>
<b>Total Project Cost</b>	<b>\$550,000</b>

The source of Conservancy funds is an appropriation to the Conservancy from Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, for projects to implement the Santa Monica Bay Restoration Plan. The state budgets for FY 2000/01 and FY 01/02 include \$15,000,000 for implementing the Santa Monica Bay Restoration Plan.

## **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project would be undertaken pursuant to Chapter 6 of the Conservancy's enabling legislation, Public Resource Code Sections 31251-31270.

Pursuant to §31251, the Conservancy may award grants to enhance coastal resources. The project proposed for funding will enhance fish and wildlife habitat in coastal wetlands and coastal watersheds in Santa Monica Bay, and is consistent with this section.

Consistent with §31252, the project area has been identified in the respective certified local coastal plan as requiring public action to resolve existing or potential resource protection problems or so identified in other local plans. See the "Consistency with Local Coastal Program Policies" section below for details.

## **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** This project will be funded with monies appropriated to the Conservancy from Proposition 12 for implementing the Santa Monica Bay Plan.
3. **Support from public:** Implementation of the Santa Monica Bay Restoration Plan has widespread public and agency support. The Santa Monica Bay Watershed Council includes members from private industry, the general public, and community environmental organizations as well as local, regional, state, and federal agencies.
4. **Location:** The proposed project is located within Santa Monica Bay and the Malibu Creek sub-watershed drainage.
5. **Need:** The Santa Monica Bay Restoration Plan identifies the significant natural coastal resources that require public action to conserve, enhance, and restore natural resources of statewide interest.
6. **Greater-than-local interest:** Santa Monica Bay has been identified by both the State of California and the US EPA as a coastal water body of national significance. The Santa Monica Bay watershed contains much of the remaining wetlands within Los Angeles County, a priority of the Southern California Wetlands Recovery Project.

### **Additional Criteria**

13. **Realization of prior Conservancy goals:** The Coastal Conservancy has been involved in resource protection, enhancement and restoration projects within the Santa Monica Bay watershed for more than a decade, including projects focused on the re-

maintaining coastal wetlands within the Bay. Implementation of this project at this time will contribute to the fulfillment of longstanding Conservancy goals. The Coastal Conservancy has also been involved in enhancement and restoration planning for the Malibu Creek watershed for more than a decade. Currently the Coastal Conservancy is providing staff and financial resources for the removal of non-native plants, an evaluation of the removal of Rindge Dam, the riparian restoration in the upper watershed, and enhancement planning for Malibu Lagoon.

15. **Cooperation:** The Santa Monica Bay Restoration Project is a cooperative venture involving a broad range of interested and affected stakeholders including private industry, citizens, environmental groups, and local, regional, state, and federal agencies.

#### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The Malibu Creek project proposed for funding in this authorization is to be undertaken within the Santa Monica Mountains in the Malibu coastal area. This project is consistent with the Malibu Local Coastal Program Land Use Plan (LUP). In Section 4.2, "Marine And Land Resource Protection," the LUP recognizes the importance of both sensitive marine and land resources, including the terrestrial riparian, wetland, and associated up-land habitats. The LUP includes several policies requiring the conservation, restoration, and enhancement of these important coastal resources.

#### **COMPLIANCE WITH CEQA:**

On March 20, 2003, the City of Malibu adopted a Mitigated Negative Declaration for this project. The City found the project has the potential for a significant impact in the areas of biological resources, cultural resources, hydrology, and geology. See documents attached as Exhibit 4.

**Biological Resources:** Although the proposed project will result in a greatly improved passage for the steelhead trout and tidewater goby, construction of the proposed project may have the potential for a significant effect on steelhead trout, tidewater goby, and their habitat due to stream diversion and dewatering. The potential for impact is reduced to a level of insignificance through the following mitigation measure: Prior to any on-site construction or site preparation, the services of a qualified fisheries biologist shall be retained to set up and maintain a fish exclusion area around the construction site to exclude tidewater gobies. The exclusion plan shall be approved in writing by the U.S. Fish and Wildlife Service prior to implementation. Construction of the project shall be engineered to meet National Marine Fisheries Service (NMFS) requirements for fish passage and shall be approved by NMFS prior to implementation of the project.

The project may also have the potential for an adverse effect on nesting raptors and other bird species. To reduce this potential impact to a level of insignificance, focused surveys for nesting birds shall be conducted by a qualified biologist within the construction zone and a 150-foot buffer zone no less than 15 days from the initiation of the site preparation activities. If any nests are identified, a 50-foot radius, and 150-foot radius for raptors, protective zone shall be fenced off and further construction activities within the protective zone shall be prohibited. The exclusionary fencing shall remain in place until the

qualified biologist has determined that the young have fledged and the nest is no longer active.

The project also has the potential for adverse impact on the riparian habitat of Malibu Creek. To reduce this potential impact to a level of insignificance, a riparian habitat restoration plan shall be prepared by a qualified biologist or landscape architect and shall include the following components for revegetation: performance criteria (success level of revegetation); monitoring plan (how frequently and who is to check on revegetation success); contingency action (remedial steps required if revegetation efforts fail to meet performance criteria); and irrigation requirements. Additionally, construction vehicles shall be maintained to ensure no release of contaminants into the streambed. The topography of the project area shall also be returned to pre-project conditions after construction is completed. The construction zone also shall be clearly flagged to delineate impact boundaries and construction vehicles and activities shall remain within the designated boundary.

Although the City finds that the measures described above mitigate the project's potential effects to a level of insignificance, the City states that if the state and federal regulatory agencies through the permitting process require different levels of mitigation than those adopted by the City, the more conservative measures shall be included in the project to ensure the goal of no net loss of wetland areas, functions, and values.

**Hydrology:** The City found that the proposed project may have a temporary significant effect on the surface water quality resulting from construction of the project. To mitigate for this temporary impact, construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time. Additionally, grading activities shall be planned during the dry season, April through October. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination. Finally, filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

**Cultural Resources:** The City found that, although no significant cultural resources were observed or recorded during the surface field survey, the project has the potential to adversely impact cultural resources. To reduce this impact to a level of insignificance, all grading activities and surface modifications shall be confined to only those areas of absolute necessity to reduce any form of impact on unrecorded (buried) cultural resources that may exist within the confines of the project area. In the event that resources are found during construction, activities shall stop and a qualified archaeologist shall be contacted to evaluate the resources.

**Geology:** The proposed project may have the potential for an adverse effect on soil stabilization. To reduce this impact, a soils and geologic report addressing the proposed foundation for the bridge and addressing measures for potential liquefaction shall be prepared and reviewed and approved by the City geotechnical staff prior to issuance of the City's building permit.

The City also adopted a Mitigation Monitoring and Reporting Program for the project. Staff has reviewed the City's Mitigated Negative Declaration and recommends that the

Conservancy find that the project, as mitigated, will not have a significant effect on the environment. Upon approval, staff will file a Notice of Determination for the project.



## **EXHIBIT 2**

### **Project Plan and Photographs**

**EXHIBIT 3**

**Bay Watershed Council Resolution**

## **EXHIBIT 4**

### **Environmental Documents**

*Distributed to Board Members only;  
Copies available for public review at the Conservancy office and at the Board Meeting.*

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